

DEC. 6. 2001 11:30AM

NO. 967

P. 3

PATENT CASE NAME/NO. 977-024, RIC 99-060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Gallant et al.

Serial No: 09/436,796

Filing Date: 11/08/99

Title: METHOD AND SYSTEM FOR
DYNAMIC GATEWAY
SELECTION IN AN IP
TELEPHONY NETWORK

Group Art Unit: 2662

Examiner: Joe Logsdon

RESPONSE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail addressed to Assistant Commissioner for Patents, Washington D.C. 20231, on October 23, 2001 October 23, 2001.

Tammy S. Senechal
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Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO THE EXAMINER'S OFFICE ACTION

In response to the Office Action dated August 27, 2001, designated as Paper No. 8 in the above-captioned application, please enter the following Remarks as follows:

Remarks

In view of the above amendments and the following remarks, favorable reconsideration of the outstanding office action is respectfully requested. Claims 1-28 remain in this application.

1. The Final Rejection is Improper Under 706.07(a)

As discussed below, the Examiner has rejected claims 1-28 under 35 U.S.C. § 112, first paragraph, for lack of adequate written description and lack of enablement. The Examiner asserts that "ingress gateways, and the manner in which they are used" lack adequate written description and are not enabled. MPEP 706.07(a) states that "Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by the applicant's amendment of the claims, nor based on information submitted in an Information Disclosure